

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Case No. 4:18 CR 19 CDP
)
)
SHAUN LEACHMAN,)
)
Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on defendant Shaun Leachman's Motion to Suppress Physical Evidence. In that motion, Leachman challenges the seizure of physical evidence pursuant to a search warrant, arguing that the warrant was not based on probable cause. All pretrial motions in this case were referred to United States Magistrate Judge Nannette A. Baker under 28 U.S.C. § 636(b). In lieu of a testimonial hearing, the parties submitted the affidavit in support of the warrant to Judge Baker. After receiving this evidence and the parties' arguments, Judge Baker issued a Report and Recommendation recommending that the motion be denied. Defendant has filed objections to the Report and Recommendation.

I have conducted a *de novo* review of the motion, including reading the briefs, examining the parties' stipulated exhibit, and considering the law. I will adopt and sustain the thorough reasoning of Magistrate Judge Baker as set forth in support of her recommended rulings issued on August 22, 2018. As Judge Baker

found, the affidavit provided sufficient information from which the judge issuing the warrant could determine that there was probable cause to believe that evidence of a crime would be found at the location to be searched. The evidence was not “stale” as argued by defendant. Instead, the affidavit described a series of events which, when considered together, showed a pattern of continuing criminal activity. Taken as a whole, the affidavit provided sufficient probable cause for issuance of the warrant.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [33] is **SUSTAINED, ADOPTED, and INCORPORATED** herein and Shaun Leachman’s Motion to Suppress Physical Evidence [25] is denied.

IT IS FURTHER ORDERED that the court will hold a **final pretrial hearing** and hearing under *Missouri v. Frye*, 566 U.S. 133 (2012), to make a record of any concessions offered by the government on **Monday, September 24, 2018 at 3:00 p.m.** in Courtroom 14-South.

This case remains set for trial on **Monday, October 1, 2018 at 8:30 a.m.**



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 14th day of September, 2018.